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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,123	10/13/2005	Patrick Achenbach	6097P061	1493
8791 7590 07/17/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER GRAVINI, STEPHEN MICHAEL	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 07/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,123

Applicant(s)

ACHENBACH, PATRICK

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant has amended the claims such that the independent and distinct inventions earlier subject to a restriction requirement, are now coextensive such that the method and apparatus require the same patentable features. The restriction requirement is withdrawn and all the pending claims will be examined below.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Smal (US 5,168,641). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Smal as comprising:

- a switch cabinet for a wind turbine **5** as disclosed in column 1 line 43;
- at least one circuit element **1** coupled to the switch cabinet; and
- a drying arrangement to prevent water deposition onto the at least one circuit element, the drying arrangement including an air flow generating device to generate an air flow in a region of the at least one circuit element to counteract the water deposition onto the at least one circuit element at column 1 lines 15-25 wherein the disclosed heat and air flow will counteract the water deposition onto the at least one circuit element because the teaching of Smal is used in a wet environment and designed such that water deposition is avoided on the electrical and mechanical circuit disclosed. The

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claims are also construed as being disclosed by Smal including at least one heating device 3 to heat an air in the region of the at least one circuit element.

Claims 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickert (US 3,938,348). The claimed invention is reasonably and broadly construed in light of the accompanying specification as being disclosed by Rickert as comprising:

controlling an operational parameter of a wind turbine by at least one circuit element coupled to a switch cabinet at column 3 lines 25-40; and

generating an airflow in the internal space of the switch cabinet using an air flow generating device to counteract a deposition of condensation water onto the at least one circuit element at column 3 lines 41-59. The claims are also construed as being disclosed by Rickert including heating an air in a region of the at least one circuit element at column 4 lines 14-27, separating water from the airflow at a cooling element, the cooling element spaced apart from the at least one circuit element, and draining the condensation water out of the switch cabinet by a drain element at column 3 line 52, and generating the airflow, heating the air, and activating the cooling element depending on temperature or humidity within or outside the switch cabinet at column 4.

26. (Previously Presented) The method of claim 24, further comprising:

heating the air by the Peltier element, which is also used as a cooling element.

27. (Previously Presented) The method of claim 25, further comprising:

heating the air by the Peltier element, which is also used as a cooling element.

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a switch cabinet for a wind turbine **5** as disclosed in column 1 line 43;
at least one circuit element **1** coupled to the switch cabinet; and
a drying arrangement to prevent water deposition onto the at least one circuit element, the drying arrangement including an air flow generating device to generate an air flow in a region of the at least one circuit element to counteract the water deposition onto the at least one circuit element at column 1 lines 15-25 wherein the disclosed heat and air flow will counteract the water deposition onto the at least one circuit element because the teaching of Smal is used in a wet environment and designed such that water deposition is avoided on the electrical and mechanical circuit disclosed. The claims are also construed as being disclosed by Rickert including at least one heating device **3** to heat an air in the region of the at least one circuit element.

Claim Rejections - 35 USC § 103

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal in view of Roethel (US 1,722,825). Smal discloses the claimed invention as rejected above, except for the claimed cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element. Roethel, another airflow apparatus discloses a cooling element **28** to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet at page 2 line 15 and the

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air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element at page 2 line 15. It would have been obvious to one skilled in the art to provide the teachings of Smal with the cooling element to separate water from air flowing by, the cooling element being spaced apart from the at least one circuit element; and a drain element to drain the water deposition out of the switch cabinet and the air flow generating device to circulate air within the switch cabinet and to move air past the at least one circuit element and the cooling element for the purpose of efficient moisture free operation of electrical and mechanical equipment in a switching environment

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal. Smal discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smal in view of Streed (US 3,332,620). Smal discloses the claimed invention as rejected above, except for the claimed humidity circuit element control device. Streed, another wind apparatus, discloses a humidity circuit element control device at column 3 line 10 through column 4 line 66. It would have been obvious to one skilled in the art to provide a humidity circuit element control device for the purpose of efficient moisture free operation of electrical equipment in a switching environment.

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Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rickert. Rickert discloses the claimed invention as rejected above, except for the claimed Peltier element. It would have been an obvious matter of design choice to one skilled in the art to provide a Peltier element to the heating and/or cooling device since the claimed element would perform regardless of the type of heating and/or cooling element recited.

Response to Arguments

Applicant's arguments with respect to claims 13-22 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on 571 272 6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300..

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG

June 29, 2007

Stephen Horni